

June 19, 1991

Mr. James R. McSweeney
Assistant Manager, Claims and Insurance
Risk Management Department
National Fuel Gas Distribution Corporation
10 Lafayette Square
Buffalo, NY 14203

Dear Mr. McSweeney:

This is in response to your letter March 26, 1991, to Ms. Bea Vandervalk, Drug Program Manager of the Research and Special Programs Administration, asking for a written response to several questions concerning drug testing requirements.

Question 1. When an employee presents him/herself at the collection site for as random or pre-employment DOT drug test, is that employee required to empty their pockets and/or removal of shoes or "cowboy style" boots? What about rubber over the shoe boots?

Answer 1. The specimen collection procedures outlines in Section 40.25 of the Department of Transportation (DOT) regulations indicate that an individual shall be asked to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or belongings, such as purse. The collection site person shall ensure that personal belongings, such as purse or briefcase, remain with the outer garments. The individual may retain his or her wallet. The regulations does not stipulate the removal of any other items.

Question 2. Whether seasonal employees who submit to a pre-employment testing when they are hired are required to undergo another pre-employment testing if they return to their employment in a covered function after a break of three to four months?

Answer 2. A seasonal employee who submitted to a pre-employment test when hired, would not be subject to retesting each time they are rehired. However, during the off-season, they must remain in a random testing group. The length of the layoff would not be relevant to the requirements for pre-employment testing.

Question 3. Whether an employee who worked in a covered function and was placed in an "inactive employee status" (no salary or medical benefits) because of an extensive medical disability is required to undergo a pre-employment test after being medically certified to return to work?

Answer 3. An employee who remains in a Part 199 anti-drug program, which includes the random testing element, during an

absence would not be required to undergo another pre-employment test upon return to work.

Question 4. Whether an employee who worked in a covered function and was called to serve for an unspecified period of active duty (e.g., military service in the Persian Gulf War) would be required too undergo pre-employment testing upon return to his former civilian covered function?

Answer 4. Those employees who were called to active duty to participate in Desert Storm operations, previously identified as being in a covered position for a Part 199 anti-drug program and are not returning to that covered function would not have to be pre-employment tested.

Thank you for your inquiry. Please let me know if you need any more information about our drug testing requirements.

Sincerely,

Richard L. Rippert
Drug Compliance Coordinator
Office of Pipeline Safety
Enforcement